



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

THE INDEPENDENT SAVINGS PLAN  
COMPANY, *doing business as ISPC*,  
Plaintiff,

VS.

MARGARET D. MANUELES,  
Defendant.

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Civil Action No .3:21-3965-MGL-PJG

**ORDER ADOPTING THE REPORT AND RECOMMENDATION,  
AND GRANTING PLAINTIFF’S MOTION TO REMAND**

Plaintiff The Independent Savings Plan Company (ISPC) initially brought this action against Defendant Margaret D. Manueles (Manueles) in the Kershaw County Magistrate’s Court. Manueles, a self-represented litigant, removed the lawsuit to this Court.

The action is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting ISPC's motion to remand be granted and that this case be remanded to the Kershaw County Magistrate's Court. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo*

determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on January 31, 2022, but Manueles failed to file any objections to the Report. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court ISPC’s motion to remand is **GRANTED** and this case is **REMANDED** to the Kershaw County Magistrate’s Court.

**IT IS SO ORDERED.**

Signed this 29th day of March, 2022, in Columbia, South Carolina.

/s/ Mary Geiger Lewis  
MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.